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C O R R E C T E D C O P Y (GARBLED TEXT)

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TAGS: [PGOV](#) [KDEM](#) [IZ](#)  
SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 19, 2009

Classified By: Political Minister-Counselor Gary A. Grappo for Reasons  
1.4 (b) and (d).

¶1. (C) SUMMARY. Iraq's Council of Representatives (COR) failed to reach agreement October 19 to move the election law forward. At an early meeting on October 19, Speaker Ayad al-Samarra'i cautioned CDA and POL M/C that October 18 negotiations on a draft amendment to the 2005 election law had broken down. He asked the U.S. Embassy, in tandem with the Turkish Embassy and UNAMI, to engage with Sunni Arabs, Turkomen and the Kurds to press for consensus on voting rules for Kirkuk province. The Speaker, Kurdish MPs, and members of the Legal Committee continued closed door negotiations throughout the afternoon, but by early evening there was no agreement on treatment of Kirkuk, and the COR adjourned for the day. Following Embassy intervention, the Speaker's planned October 20 travel to Turkey has been canceled, and negotiations are expected to resume on October 20 as all sides push a decision to the last possible moment. END SUMMARY.

#### Two Proposals for Kirkuk Voting Rules

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¶2. (C) Iraqi COR Speaker Ayad Samarra'i told CDA and Pol M/C October 19 that a tentative agreement among party bloc leaders on a work-around for the election law on the contentious issue of Kirkuk had collapsed just hours after it was reached October 18. According to Samarra'i, two hours after the key players agreed to the work around, the Arab/Turkomen representatives in the negotiation withdrew their agreement. Samarra'i described the breakdown as regrettable, given that the gap between the two sides had narrowed significantly over the past few weeks.

¶3. (C) Samarra'i described two compromise proposals that had been considered October 18 and would have likely formed the basis for continuing discussions October 19. The first calls for establishing a committee to review the voter lists for Kirkuk province, and possibly other provinces such as Mosul, where there have been significant population increases in the past few years that might raise concerns about Iraqis moving into areas to affect demographic change. Samarra'i said that the Kurds had indicated tentative acceptance of this procedure as long as Kirkuk and its voter lists are not singled out. Unfortunately, he noted, the Arab/Turkomen side insisted on making specific reference to the need to review Kirkuk's voter registration, which is a redline for the Kurds.

¶4. (C) The second compromise proposal, which almost brought the two sides to agreement, involves establishing a plan to divide the COR seats allocated to Kirkuk among the province's three major ethnic groups. Samarra'i could not provide clarity on the exact formula the two sides were using for negotiations. (NOTE: This would be 12-14 seats total, depending on population increases there and similar demographic shifts elsewhere. The hard-line Arab-Turkomen

position calls for equal COR seats for the three groups, which would be divided on the basis of a 4-4-4 formula, according to UNAMI contacts. The Kurds generally insist on a weighted formula allotting them more seats, based on the consensus view that the Kurdish population has increased much faster, with Kurds now significantly outnumbering Arabs and Turkomen. END NOTE.)

15. (C) Samarra'i did not completely dismiss potential constitutional problems relating to the use of such a formula but expressed confidence that if all the sides in Kirkuk agreed to it, and it opened the way for the national elections, the courts would likely "find a way" to avoid nullifying the election. In several discussions with POL M/C, SRSG Ad Melkert has indicated UNAMI's preference for a pre-determined seat allocation plan as it would allow all currently registered Kirkuk voters to participate in the elections. This would advantage the Kurds. He acknowledged, however, that such a formulation would necessitate specific mention of Kirkuk and, therefore, be tantamount to official legislative admission of special status for Kirkuk.

16. (C) PUK MP Friad Rwanduzi told poloff that he asked President Jalal Talabani October 18 to intervene with KRG President Masoud Barzani to secure a deal on a quota arrangement for Kirkuk. Reportedly, Talabani demurred and instead told KRG PM Barham Salih to do it. We understand that Barzani told Salih that he considered the pre-determined seat allocation arrangement "unconstitutional" and asked Salih to find an alternative solution. Kurdish Alliance bloc leader Fuad Masoum told poloffs later October 18 that Barzani opposed the seat allocation arrangement and that he and other Kurdish leaders shared Barzani's view. (COMMENT: The KDP is extremely sensitive about Article 140 of the constitution, which buttresses Kurdish claims to Kirkuk; they wish to avoid any action that could be construed as unconstitutional, fearing it could also undermine Article 140 and their claim to Kirkuk and other disputed areas. END COMMENT.)

COR Session Paused, Then Ended  
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17. (C) First Deputy Speaker Attiyah opened the October 19 COR session around 12:45 pm, taking the place of Speaker Samarra'i who was in closed negotiations with party bloc leaders on the Kirkuk issue. Samarra'i had called a meeting with Kurdish MP's Fuad Masoum, Khalid Schwany, Friad Rwanduzi, Saadi Barzinji and members of the Legal Committee. Poloff observed other party bloc leaders coming and going from this meeting. Barzani and Salih were in touch by phone during the day. While poloffs in the COR observed that there were enough MPs present to constitute a quorum, there was never a need to convene members for a vote. By 2:30 pm, Attiyah adjourned the session until 5:00 pm to allow more time for Sunni Arabs and Kurds to continue the negotiations. Late in the day, party bloc leaders ended discussions without a solution, and COR members agreed to reconvene on October 20. In a late afternoon telcon with CDA, the Speaker reported the day's failed efforts but asserted members will return on October 20.

Comment  
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18. (C) We have been told by COR contacts that party bloc leaders agreed to proceed on the basis of consensus, making clear that any attempt to bring issues up for majority vote before there is consensus will likely be thwarted by the absence of a quorum. Post believes, therefore, that the COR leadership and leaders of the major blocs will have to hammer out an agreed way forward among themselves, which would then be brought before the COR for a vote.  
FORD